

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

03-cr-126-bbc

v.

CHRISTOPHER TEMPLE,

Defendant.

In an order entered on March 14, 2011, dkt. #73, I denied defendant Christopher Temple's motion to vacate the order revoking his supervised release and sentence, dkt. #63, and his motion to correct his sentence, dkt. #65, for lack of jurisdiction because defendant had filed a notice of appeal that divests this court of the jurisdiction to entertain motions going to the merits of the appeal. I did consider but denied defendant's motion for a stay of the execution of his sentence.

When I entered the order, I overlooked the fact that defendant had written to the court, asking for a transcript of the revocation hearing at government expense, advising the court that he had not received copies of the government's response to his two motions and asking for an extension of time in which to file his replies to the government's responses.

Defendant has no need to file any replies to the two motions described above, dkts. ## 63 and 65 because I cannot consider them

However, I can consider defendant's motion for a stay of the execution of sentence. Although I denied the motion in the March 14 order, I will give defendant until March 23, 2011 in which to submit a reply limited solely to that motion. If he files a timely response, I will review it and decide whether to amend my previous order.

As for defendant's request for a transcript of the hearing, it has been granted in an order filed earlier today.

After the March 14 order was entered, defendant filed a new motion for enlargement of time to file his reply, together with his reply to the government's opposition brief. In this brief, he reiterates and enlarges upon his accusations that his supervising probation officer has been untruthful in her dealings with him and untruthful in her testimony at defendant's revocation hearing. As I said in the March 14 order, I cannot consider these accusations because the matter is now before the court of appeals.

ORDER

IT IS ORDERED that defendant Christopher Temple may have until March 23, 2011 in which to file a reply brief on his motion for a stay of execution of his sentence. His March 11, 2011 request for additional time in which to reply to the government's response to his

motions for vacation of the revocation hearing decision and for correction of his sentence is DENIED. I have reviewed the brief he filed on March 15, 2011, but will not take any further notice of it because it relates to matters that are on appeal.

Entered this 16th day of March, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge